

IN THE DISTRICT COURT OF COMANCHE COUNTY  
STATE OF OKLAHOMA

STATE OF OKLAHOMA  
Comanche County  
**FILED** in the  
Office of the Court Clerk  
JUN 26 2018

DAMIEN ABNEY,

Plaintiff,

vs.

STATE FARM FIRE AND CASUALTY  
COMPANY,

Defendant.

By \_\_\_\_\_  
Attorney's Lien Claimed Deputy  
Jury Trial Demanded

Case No. CJ-2018-422

*Emet Taylor*

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PETITION

COMES NOW the Plaintiff, Damien Abney, by and through his attorney of record, STEPHEN K. NEWCOMBE, and for his cause of action against the Defendant, State Farm Fire and Casualty Company, alleges and states as follows:

1. That Plaintiff is a resident of Lawton, Comanche County, Oklahoma.
2. That the Defendant, State Farm Fire and Casualty Company, conducts business in Comanche County, Oklahoma.
3. Plaintiff and Defendant entered into a Contract of Insurance wherein the Defendant, in exchange for a premium paid by the Plaintiff, agreed to provide Uninsured Motorist Insurance Coverage on a 2001 BMW 330i automobile owned by the Plaintiff, the Plaintiff's Policy Number being 383 8001-E 20-36A.
4. That on or about August 17<sup>th</sup>, 2016 the Plaintiff was involved in an automobile accident with Corinna Alaelua in Lawton, Comanche County, Oklahoma, at which time the Plaintiff received injuries.

FIRST CAUSE OF ACTION

COMES NOW the Plaintiff and realleges and incorporates the allegations set forth in Paragraphs 1-4 and for his First Cause of Action alleges and states:

5. That Defendant issued to Plaintiff a Policy of Uninsured Motorist Coverage with limits of \$25,000.00, said Policy being in full force and effect on August 17<sup>th</sup>, 2016.

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ACCEPTED

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6. That based on the fact the Plaintiff had medical bills in the amount of \$6,658.65, Plaintiff made a demand for \$25,000.00 under his Uninsured Motorist Coverage on July 24<sup>th</sup>, 2017.

7. Defendant has refused to pay the Plaintiff the \$25,000.00 in uninsured motorist benefits under his policy of insurance; rather, the Defendant offered to settle the Plaintiff's claim for \$8,700.00 on October 26<sup>th</sup>, 2017.

### **SECOND CAUSE OF ACTION**

COMES NOW the Plaintiff and realleges and readopts the allegations set forth in Paragraphs 1-7, and for his Second Cause of Action alleges and states:

8. Defendant's acts and omissions constitute bad faith and a material breach of it's contract with the Plaintiff.

9. All of the Defendant's acts and omissions above mentioned have caused the Plaintiff to suffer actual damages.

### **THIRD CAUSE OF ACTION**

COMES NOW the Plaintiff and realleges and readopts all the allegations set forth in Paragraphs 1-9 and for his Third Cause of Action alleges and states as follows:

10. Defendant was negligent in it's handling of Plaintiff's personal injury claim and it's acts and omissions constitute a breach of it's obligation to deal fairly and act in good faith with it's own insured.

11. All the Defendant's acts and omissions above mentioned have caused the Plaintiff to suffer actual damages.

### **FOURTH CAUSE OF ACTION**

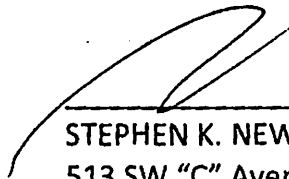
COMES NOW the Plaintiff and realleges and incorporates all allegations set forth in Paragraphs 1-11 and for his Fourth Cause of Action alleges and states and follows:

12. The acts of the Defendant are oppressive, done intentionally and without just cause

or excuse, or with wanton and reckless disregard for the rights of the Plaintiff, entitling Plaintiff to punitive damages so as to punish the Plaintiff.

WHEREFORE, premises considered, Plaintiff respectfully requests this Court to enter judgment in his favor and against the Defendant for actual, consequential and punitive damages in excess of Seventy-five Thousand Dollars (\$75,000.00), the cost of this action, reasonable attorney fees and such other and further relief as the Court deems just and equitable.

Newcombe, Redman, Ross & Newcombe, P.C.



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